



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1461 OF 2023

1. Shaikh Taufiq Shaikh Farukh
(Husband)
Age 36 years, Occu. Labour
R/o. Raj Mohalla, Sailu
Tq. Sailu, District: Parbhani.
2. Rehana Parvin Shaikh Faruk
(Mother in law)
Age 55 years, Occu. Household
R/o. Raj Mohalla, Sailu
Tq. Sailu, District: Parbhani.
3. Shaikh Farukh Abdul Mazit
(Father in law)
Age 60 years, Occu. Labour
R/o. Raj Mohalla, Sailu
Tq. Sailu, District: Parbhani.
4. Shaikh Rafiq Shaikh Farukh
(Brother in law)
Age 38 years, Occu. Labour
R/o. Raj Mohalla, Sailu
Tq. Sailu, District: Parbhani.
5. Shaikh Mukhid Shaikh Farukh
(Brother in law)
Age 25 years, Occu. Labour
R/o. Raj Mohalla, Sailu
Tq. Sailu, District: Parbhani.
6. Farah Bano w/o Moin Ansari
(Sister in law)
Age 34 years, Occu. Household
R/o. Bhokardan Naka, Jalna
District: Jalna

... Applicants
(Orig. Accused)

Versus

1. The State of Maharashtra
Through Police Station
Sailu, District Parbhani.
2. Anjum Shaikh Taufiq
(Wife)
Age 28 years, Occu. Household
R/o. Raj Mohalla, At present
residing at Raj Mohalla
Sailu District Parbhani.

... Respondents
(No.2 Orig. Complainant)

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Ms. Meenal S. Deshmukh, h/f Mr. A. S. Deshmukh, Advocates for Applicants.
Mr. A. D. Wange, APP for respondent No.1 / State.
Mr. Manish Purushottam Tripathi, Advocate for Respondent No.2.

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CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 02nd July, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") initially for quashment of the FIR bearing Crime No.93 of 2023, dated 15th March, 2023, registered with Sailu Police Station, District Parbhani, for

offences punishable under Sections 498-A, 323 and 504 read with 34 of Indian Penal Code, 1860 (for short “the IPC”), and later on by way of amendment, for quashment of charge-sheet bearing No.72 of 2023.

3 When this Court expressed disinclination to grant relief of quashing the report as well as charge-sheet of applicant No.1, the learned counsel for the applicants, on instructions, seeks leave to withdraw his application. Leave granted.

4 Applicant Nos.2 and 3 are the parents-in-law of the informant / respondent No.2. Applicant Nos.4 and 5 are the brothers-in-law of the informant and applicant No.6 is the sister-in-law of the informant.

5 Respondent No.2 / informant averred in the report that her marriage was solemnized on 24th April, 2011 with the sons of applicant Nos.2 and 3 as per Muslim religious rites. After marriage, she was treated well until the birth of her third child. Thereafter, her husband and the other applicants began to ill-treat her on trivial issues. She was beaten with kicks and fists blows. Her in-laws repeatedly taunted her, stating that she had not brought any dowry or gifts from her parental home at the time of marriage. They continuously demanded that she should bring Rs.5,00,000/- from her parents for the purpose of

setting up a shop for her husband, and due to this demand, they used to harass her. The applicants were instigating her husband by raising false accusations against her, who, being short-tempered, used to beat her. She was also not allowed to visit her parental home at Sailu.

6 The informant further averred that when she became pregnant for the fourth time, her husband alongwith applicant Nos.2 and 6, continued to abuse and beat her over petty issues. When she objected to her husband's extramarital relationship, the applicants abused, beat and starved her. On one occasion, she was beaten and thrown out of the matrimonial house during her pregnancy on the pretext that she had not fulfilled the demand of Rs.5,00,000/- from her parental home. Her brother and other relatives tried to convince her brother and other applicants. They said that they had already spent considerable money on the marriage of informant. Thereafter, Rs.3,00,000/- was given to the applicants by raising a loan for well being of the daughter and they are not able to pay that amount. But her husband and the applicants did not pay any heed to them.

7 The informant further alleged that prior to being sent to her parental home, her husband took away approximately 90 grams of gold ornaments which had been gifted to her by her parents. The said ornaments remain in his possession. She gave birth to a daughter

through cesarean delivery. However, no expenses related to the delivery were borne by her husband. Since then she is residing with her parents. Therefore, she lodged the report.

8 The learned counsel for the applicants submitted that applicant Nos.2 to 6 have been falsely implicated in the crime. There is no cogent and acceptable evidence against them. Vague and general allegations are made against them. If they are compelled to face the trial, it would be an abuse of the process of the Court. She lastly prayed to allow the application.

9 The learned APP for the State strongly opposed the application and submitted that applicant Nos.2 to 6 are involved in a serious offence. Their names are specifically mentioned in the report. They committed anti-social crime. He lastly prayed to reject the application.

10 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the names of the applicants are mentioned in the report. They are involved in serious crime. There is strong *prima-facie* evidence against them. He lastly prayed to reject the application.

11 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court held thus:-

“34. it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation....”

12 A reference also can be made to the judgment in the case of ***CBI Vs. Aryan Singh***, reported in, ***2023 SCC Online SC 379***, in which the Honourable Supreme Court held as under:-

“Para 10... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court

is not required to conduct the mini trial.”

13 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report.

14 The application of applicant No.1 is withdrawn. So far as applicant Nos.2 to 6 are concerned, general and vague allegations are made against them. No specific incident is stated as to when and in what way they treated the informant with cruelty. Applicant No.6 is married sister-in-law of the informant. She is residing at Jalna with her husband. When she came to harass the informant is not stated either in the report or in the statements of witnesses. The essential ingredients of Sections 498-A, 323 and 504 of the IPC are not establishing against them. If the entire material is considered together, then it would certainly be an abuse of the process of the Court, if applicant Nos.2 to 6 are directed to face the trial. We are, therefore, inclined to allow the application to the extent of applicant Nos.2 to 6, by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice and to prevent the abuse of the process of the Court. The application, therefore, deserves to be partly allowed. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant No.1 stands dismissed as withdrawn.
- III. The application is allowed in terms of prayer clauses (B) and (B-1) to the extent of applicant Nos.2 to 6 only.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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